

Appl. No. : 09/242,383
Filed : February 12, 1999

REMARKS

The Final Office Action mailed April 20, 2004 has been received and reviewed. Claims 39-106 are currently pending in the application. Claims 39-106 stand rejected. The Applicant proposes to amend Claims 87 and 98. Although the Applicant disagrees with the Examiner's rejections, the Applicant has canceled Claims 39-74 herein without prejudice or disclaimer so as to expedite the examination of claims 75-106. The Applicant intends to file Claims 39-74 in a continuation application and respectfully requests reconsideration of the application in view of the arguments below.

Rejection Of Claims 39-106 Under 35 U.S.C. § 103(a)

The Office Action rejected Claims 39-106 under 35 U.S.C. § 103(a) as being unpatentable over Henricson et al., "Programming in C++ Rules and Recommendations" (hereinafter, "Henricson") in view of Cowlshaw, "The REXX Language A Practical Approach to Programming" (hereinafter, "Cowlshaw"), and Michel, "Getting Started with Object REXX" (hereinafter, "Michel"). The Applicant has canceled Claims 39-74 without prejudice or disclaimer, thus mooting this rejection for these claims. However, the Applicant respectfully traverses this rejection for Claims 75-106, as hereinafter set forth.

M.P.E.P. 706.02(j) sets forth the standard for a Section 103(a) rejection:

"To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on the Applicant's disclosure." *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The Applicant respectfully submits that a *prima facie* case of obviousness is not met for Claims 75-106 because neither Henricson, Cowlshaw, nor Michel disclose or suggest the subject matter claimed herein.

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An aspect of the present invention is a method of allowing objects of the string class to be manipulated or accessed using an object oriented operating system. According to the Examiner, Henricson teaches techniques for programming in C++ including using classes and objects. However, Henricson is silent on an operating system handling “all such objects of the string class according to one or more of the following requirements” as stated, *inter alia*, in independent Claims 75, 85 or 96 (emphasis added).

Specifically, Henricson does not teach that all objects of the string class for literal text are handled as belonging to a class in which a pointer points to the memory location where the text string is stored. Nor does Henricson teach that all objects of the string class for length limited text are handled as belonging to a class in which a buffer stores text of a predetermined length requiring a limited subset of available memory management functions. Neither does Henricson teach that all objects of the string class using heap memory are handled as belonging to a class requiring the full set of available memory management functions. While Henricson “defines *one* style of programming in C++,” Henricson does not teach, suggest or give any reasoning for an operating system handling all such objects of the string class according to one or more of these requirements. Henricson, page 5(88) (emphasis in original).

Further, neither Cowlshaw nor Michel teach or suggest an operating system that handles all such objects of the string class according to one or more of these requirements. Cowlshaw merely teaches using a programming language called REXX and Michel merely teaches using a programming language called Object Oriented REXX. The Applicant respectfully disagrees with the Examiner that Cowlshaw teaches REXX as being “known as an operating system.” See page 2 of the present Office Action. The Applicant respectfully asserts that page 2 of Cowlshaw merely teaches that REXX has been used as a command program interpreter to tailor already existing operating systems. Regardless of this point, however, both Cowlshaw and Michel appear to be silent on the subject matter of independent Claims 75, 85 and 96.

Therefore, the Applicant respectfully submits that Claims 75-106 are patentable over the cited references under 35 U.S.C. § 103(a).

Rejection Of Claims 40-46, 87 and 98 Under 35 U.S.C. § 112, Second Paragraph

Claims 40-46, 87 and 98 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which

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the Applicant regards as the invention. The Applicant has canceled Claims 40-46, thus mooting this rejection for these claims.

The Examiner rejected Claims 87 and 98 as being dependent on two different claims. The Applicant has amended Claims 87 and 98 for proper dependency and requests that the 35 U.S.C. § 112, second paragraph rejection be withdrawn.

Request For Telephone Interview

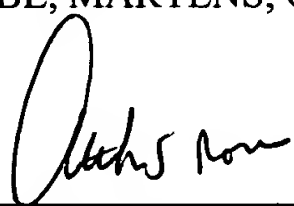
In view of the forgoing, the present application is believed to be in condition for allowance, and such allowance is respectfully requested. If further issues remain to be resolved, the Applicant's undersigned attorney of record hereby formally requests a telephone interview with the Examiner. The Applicant's attorney can be reached at the number listed below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 6/21/04

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